

Message Text

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FM AMCONSUL DHAHRAN

TO USDOC WASHDC

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AMEMBASSY JIDDA

AMEMBASSY ATHENS

USLO RIYADH

UNCLAS DHAHRAN 0589

ATHENS FOR RTDO

E.O. 11652: N/A

TAGS: BEXP, SA

SUBJECT: NEW SAUDI ARABIAN ARBITRATION PROCEDURES

1. IN 14 MAY MEETING WITH EMBASSY COMMERCIAL COUNSELOR
EBLAN AND USDOC OFFICER EDMONDS, DEPUTY MINISTER FOR COMMERCE,
YUSUF HAMDAN STATED A NEW DECREE ON COMMERCIAL ARBITRATION WOULD
BE PROMULGATED WITHIN A MONTH AND A HALF, MORE SPECIFICALLY WHEN
CURRENT BUDGET REVIEW IS COMPLETED.

2. ACCORDING TO HAMDAN FOLLOWING PROCEDURES WOULD APPLY TO
ALL NON-CRIMINAL COMMERCIAL DISPUTES. THE TWO DISPUTANTS WOULD
MUTUALLY SELECT AN ARBITRATOR. ARBITRATOR MUST HAVE
"LEGAL STATUS," I.E. HE WOULD HAVE TO BE EITHER A LAWYER OR
ACCOUNTANT OR A RECOGNIZED EXPERT IN THE FIELD WHICH WAS UNDER
ADJUDICATION. HE WOULD HAVE TO BE SAUDI CITIZEN,
AND HIS COMPETENCY ACCEPTABLE TO THE MINISTRY.
HIS DECISION WOULD BE FINAL AND BINDING ON BOTH
PARTIES. THERE WOULD BE NO APPEAL AS THERE NOW
UNDER THE PRESENT ARBITRATION PROCEDURES. HAMDAN
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PROMISED FORWARD COPY OF THE DECREE WHEN IT IS PUBLISHED.

3. COMMENT: THIS PROCEDURE, WHEN ADOPTED, WOULD
REPRESENT A CHANGE IN THAT IT MOVES PURELY COMMERCIAL DISPUTES
OUT OF SHARIA COURTS. CRIMINAL CASES, SUCH AS EMBEZZLEMENT
WOULD BE HANDLED BY SHARIA COURTS. COMMERCIAL CASES INVOLVING
TAX DISPUTES WOULD BE HANDLED UNDER THE CURRENT DEPARTMENT

OF ZAKAT ADJUDICATION PROCEDURES.
BUSHNELL

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